

No. 24-6008

**United States Bankruptcy Appellate Panel  
for the Eighth Circuit**

**Hartford Accident and Indemnity Company,**

*Creditor - Appellant,*

**vs.**

**Capital Credit Union,**

*Creditor - Appellee*

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APPEAL FROM DECISION OF THE UNITED STATES  
BANKRUPTCY COURT FOR THE DISTRICT OF NORTH DAKOTA  
*In Re Pro-Mark Services, Inc. Case No. 24-31067.*

**DESIGNATION OF RECORD AND STATEMENT OF ISSUES**

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Appellant Hartford and Indemnity Company (“Appellant”), by and through its undersigned counsel, hereby submits the following Designation of Record pursuant to Fed.R.Bankr.P. 8009(a)(1)(A).

**1. Designation of Items To Be Included In The Record.**

Appellant hereby designates the items to be included in the record on appeal for *In Re Pro-Mark Services, Inc.* Case No. 24-31067, United States Bankruptcy Court, District of North Dakota including all exhibits, attachments and/or appendices to each and every filed document relevant to the Appeal. Specifically, Appellant designates the following pleadings, motions and orders with any and all exhibits:

- a. Capital Credit Union Motion to Lift Automatic Stay, filed on May 17, 2024. [Doc. 14] (including exhibits).
- b. Hartford’s Response to Motion to Lift Automatic Stay, filed June 5, 2024. [Doc. 24] (including exhibits).
- c. Amended Notice of Telephonic Hearing. [Doc. 27], filed on June 6, 2024.
- d. Capital Credit Union Supplemental Brief in Support of Motion to Lift Automatic Stay, filed on July 19, 2024. [Doc. 47]. (including exhibits).
- e. Hartford’s Supplemental Brief in Objection to Motion to

Lift Stay, Filed July 19, 2024. [Doc. 50]. (including exhibits)

f. Declaration of Brad Shelters, filed on July 31, 2024. [Doc. 55] (including exhibits [55-1 to 55-5.]

g. CCU Witness list, filed on July 31, 2024. [Doc. 56].

h. CCU exhibit list, filed on July 31, 2024. [Doc. 57].

i. Exhibits List, filed on July 31, 2024. [Doc. 58].

j. Witness List, filed on July 31, 2024. [Doc. 59].

k. Stipulated Statement of Undisputed Facts, filed on August 1, 2024. [Doc. 72].

l. Notice of Hearing Held, received on August 2, 2024 [Doc. 75].

m. Order Granting Motion to Lift Automatic Stay, received on August 2, 2024. [Doc. 76].

n. CCU exhibit list, filed on July 31, 2024. [Doc. 57].

o. Notice of Hearing Held, received on August 2, 2024. [Doc. 75.]

p. Order Granting Motion to Lift Automatic Stay, received August 2, 2024. [Doc. 76].

q. Authority cited or considered, filed August 7, 2024. [Doc.

87].

- r. Notice of Appeal, filed on August 16, 2024. [Doc. 94].
- s. Transmittal of Record received August 2, 2024. [Doc. 98].
- t. Notice of Docketing Record on Appeal, filed on August 1, 2024. [Doc 107].
- u. Transcript regarding Hearing Held August 2, 2024, submitted by Court Reporter on September 13, 2024. [Doc. 122].

**2. Statement of Issues To Be Presented.**

- I. Whether the Bankruptcy Court erred by determining that Hartford did not have an interest in the Deposit Accounts held by Capital Credit Union.
- II. In the alternative, whether the Bankruptcy Court erred by attempting to adjudicate the rights and interests under the Intercreditor Agreement between Hartford and Capital Credit Union.

RESPECTFULLY submitted this 23<sup>rd</sup> day of October, 2024.

Attorney for Appellant

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of October, 2024, a true and correct copy of the foregoing APPELLANT'S DESIGNATION OF RECORD was served upon the following:

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